

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

OZHAWAASKOO GIISHIG
a/k/a Guy I. Greene,

Plaintiff,

v.

ORDER

Civil File No. 10-546 (MJD/AJB)

Pioneer Press Editor DAVID
HANNERS et al.,

Defendants.

This matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Arthur J. Boylan dated March 25, 2010 [Docket No. 7]. Plaintiff has filed an objection to the Report and Recommendation [Docket No. 8] and has also filed a Motion for Appointment of Counsel Pursuant to 28 U.S.C. 1915(e)(1) [Docket No. 9]. Pursuant to statute, the Court has conducted a de novo review of the record. See 28 U.S.C. § 636(b)(1); Local Rule 72.2(b). Based upon that review, the Court **ADOPTS** the Report and Recommendation.

The Report and Recommendation put Plaintiff on adequate notice and provided him an opportunity to be heard as to whether he should be restricted

from filing further actions in this District. See In re Pointer, 345 Fed.Appx. 204, 205 (8th Cir. 2009) (requiring adequate notice and opportunity to be heard before issuance of a pre-filing injunction). Upon review of Plaintiff's objection, the lack of an actionable claim in this case, and the meritless nature of other cases filed by Plaintiff in the past, this Court agrees with Magistrate Judge Boylan's recommendation.

Having already determined that this action must be summarily dismissed because Plaintiff has failed to plead an actionable claim, the Court also denies Plaintiff's pending motion for appointment of counsel, (Docket No. 9). See Edgington v. Missouri Dept. of Corrections, 52 F.3d 777, 780 (1995) (appointment of counsel should be considered if the claimant has stated a facially cognizable claim for relief).

Accordingly, based upon the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. The Court **ADOPTS** the Magistrate Judge's Report and Recommendation dated March 25, 2010 [Docket No. 7].
2. Plaintiff's Application to Proceed Without Prepayment of Fees [Docket No. 2] is **DENIED**.
3. Plaintiff's Motion to Certify Class [Docket No. 5] is **DENIED**.

4. Plaintiff's Motion for Appointment of Counsel [Docket No. 9] is **DENIED**.
5. This action is summarily **DISMISSED** pursuant to 28 U.S.C. § 1915(e)(2)(B)(i).
6. Plaintiff is barred from filing any new actions in this District, unless he is represented by counsel, or he is granted pre-authorization to file a proposed complaint by a judge or magistrate judge of the District Court.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Date: July 25, 2010

s/ Michael J. Davis
Michael J. Davis
Chief Judge
United States District Court